

OHIO STATE LAW JOURNAL

Volume 64, Number 1, 2003

Foreword

JAMES J. BRUDNEY*
LAWRENCE A. BAUM**

It is a great pleasure to introduce the contributions to this Symposium Issue of the *Ohio State Law Journal*. The papers collected here were the foundation for a two-day conference entitled *Perspectives on Judicial Independence*, which took place in Columbus on March 21–22, 2002. While judicial independence has been a hot topic among lawyers, judges, and academics over the past decade or more, this symposium is especially noteworthy for several reasons.

A distinguished group of participants addressed the challenges to judicial autonomy that are separately posed with respect to state judicial systems and the federal judiciary. Controversies associated with the decision to rely on judicial elections, the rules of campaign finance for those elections, and the provision of adequate information to voters, were the focus of a day-long session that took place, appropriately enough, in and around the Ohio Statehouse. The comparably vexing separation-of-powers and accountability issues facing both Article III courts and state courts with elected judges were discussed during another full-day session held at the Moritz College of Law. This in-depth, comprehensive structure encouraged the sharing of ideas on unique as well as common aspects of the debate over judicial independence.

Also notable was the extraordinary expertise and diversity of those who participated. A trademark feature of the *Law Journal's* symposia in recent years has been their richly interdisciplinary nature, and this event built on that strong tradition. We were privileged to hear keynote addresses from two outstanding jurists who preside over the highly regarded state supreme courts of Wisconsin and Texas. We also heard from a distinguished member of the U.S. Court of Appeals for the Second Circuit, from leaders of the bar and the American Bar Association, and from nationally renowned scholars in both law and political science, including a number who are engaged in cutting edge empirical research on judicial independence matters.

Finally, the symposium benefited from ideas, energies, talents, and funding contributed by an array of dedicated professionals. The institutional partners in this remarkable joint enterprise were the Moritz College of Law, the John Glenn

* Newton D. Baker-Baker & Hostetler Chair in Law, The Ohio State University Moritz College of Law.

** Professor of Political Science, The Ohio State University.

Institute for Public Service and Public Policy at The Ohio State University, and the League of Women Voters of Ohio Education Fund.

At the College of Law, Dean Nancy Rogers, along with the Center for Law, Policy, and Social Science and its Director, Camille Hébert, provided generous financial support, while the *Ohio State Law Journal* and its Symposium Editor, Amanda Church (as well as its Editor-in-Chief, Peter Georgiton), contributed first-rate planning and logistical assistance.

At the John Glenn Institute, Director Deborah Merritt and Program Coordinator Dorie Herman played a major, and highly successful, role in planning and coordination on all fronts, and matched the College's financial contribution.

And at the LWV of Ohio Education Fund, Executive Director Carol LeMasters, former Executive Director Kelly McFarland, and Writer and Researcher Diana Simms shared in the planning and organizing responsibilities, and the League—through grants from The Joyce Foundation and the Open Society Institute—suggested the idea for the Conference and provided the largest financial support.

Others whose planning and organizing insights and efforts helped make the symposium a success include Judge Robert Duncan, former member of the Ohio Supreme Court and the United States District Court, and Trustee of The Ohio State University; Terry McCoy, Chair of the League of Women Voters of Ohio Education Fund; Gregory Travalio, Associate Dean for Professional Relations at the Moritz College of Law; and William Weisenberg, Assistant Executive Director of Public Affairs and Government Relations for the Ohio State Bar Association. The Judge Alan E. Schwarzwaldner Fund in Public Service and The Ohio State University Office of Research also contributed generously to support symposium activities.

In addition to the sixteen papers published here, conversations at last March's events were enhanced by presentations from Judge Robert A. Katzmann of the Second Circuit, who spoke on *Preserving Judicial Independence*, and Samantha Sanchez, Director of the National Institute on Money in State Politics, whose presentation was entitled *Money in Judicial Elections*. Although they decided not to reduce their observations and remarks to writing, these two presentations contributed much to both the conference and the articles appearing on the pages that follow.

These sixteen articles represent an impressive range of intellectual and political perspectives on the challenges facing our judiciary in the 21st century. The articles should attract attention from scholars and policymakers who have a serious interest in the important, ongoing debate over judicial independence.